

November 10, 2005

***Via Electronic Mail***

Cindy Tuck  
Assistant Secretary for Policy  
California Environmental Protection Agency  
1001 "T" Street  
Sacramento, CA 95814

**Re: Comments on Prospective Integrating Work Group Principles**

Dear Ms. Tuck:

Thank you for this opportunity to provide additional comments on the Integrating Work Group Principles. As we voiced in our prior letter to Secretaries McPeak and Lloyd, planning for a healthy California is much more effective than mitigating negative impacts from development decisions after the fact. The development of the Action Plan can be an opportunity to improve human health, the environment, quality of life and the economy, but only if public health and other quality of life issues are treated as priorities in this process.

Our comments to the principles, including additions and deletions, are shaded below and reflect these important tenets:

**GOODS MOVEMENT ACTION PLAN  
INTEGRATING WORK GROUP**

**Prospective Integrating Work Group Principles**  
**November 4, 2005 Version**

For the Action Plan to succeed, the Work Group must seek to develop a virtuous circle of projects and strategies that can yield near-term benefits while providing a foundation for long-term value. Key steps in that process include establishing a broad and comprehensive framework to evaluate prospective projects, build consensus, maintain focus, exercise clout, and leverage synergies. The Work Group may want to will consider the following as guidelines in its evaluation of alternatives:

- **REPLACE FIRST PRINCIPLE WITH THE FOLLOWING:**  
**Comprehensive protection from negative public health and environmental impacts must be fully integrated and simultaneously funded and implemented with any future infrastructure expansion.**
  - **Infrastructure projects must not be implemented without a mitigation plan that fully offsets the public health and community impacts from the proposed expansion of goods movement infrastructure.**

- A comprehensive mitigation plan to reduce pollution from the goods movement system must be binding, measurable, follow specific timelines and satisfy the California Environmental Quality Act.
  - Similarly, the public health, community and environmental impacts from existing goods movement activities (including at ports, along rail lines and at rail facilities, in communities adjacent to roads and freeways with high big-rig truck volumes, and at distribution centers) must be significantly reduced from existing levels to ensure protection of public health.
  - The State's economy can benefit from the efficient, safe delivery of goods to and from the ports and borders and equally depends on ensuring that the movement of goods does not harm public health, the environment nor the community.
  - The funding of community, environmental, and public health improvement and mitigation projects must also occur on a simultaneous basis with any future infrastructure expansion projects. In particular, these important costs cannot be externalized. Nor can the state fund infrastructure expansion projects from one source and then look for separate funding sources to offset that project's impacts. Rather, the state must consider the cost of a project and the cost of eliminating the public health, environmental and community impacts from that project as a single cost, and it must seek funding for that single cost from a single funding source.
- **ADD NEW PRINCIPLE:** Cal/EPA should ensure that the principles of Environmental Justice (EJ) are integrated into all aspects of goods movement infrastructure expansion planning, that disproportionate impacts from goods movement are identified and reduced, that there is meaningful public participation in all goods movement decision making processes, that cumulative impacts are (required to be -- delete) analyzed and reduced when a new project is being developed or an existing facility/project is being expanded in any heavily impacted community, and that EJ criteria are considered in project siting.
  - **ADD NEW PRINCIPLE:** Require employing the most innovative feasible technologies existing anywhere in the world when planning infrastructure projects, not just proceeding with "business as usual" with ships burning bunker fuel, locomotives burning high sulfur fuel, and trucks burning diesel.
  - Consider all goods movement infrastructure and related operations throughout the State as part of one integrated, multi-modal system regardless of funding or ownership (i.e., public, private, or mixed public-private). Such a perspective highlights improvements that can maximize public benefit, leverage existing assets, encourage private investment, promote stability and diversity, and expand customer choices.

- Avoid changes to one part of the system that damage another part of the system.
- To the extent possible, develop and apply performance metrics for both infrastructure and public health/environment/community improvement mitigation projects, keeping in mind that not all public health improvements can be quantitatively defined. When the California Air Resources Board or others are reviewing public health impacts, the full range of health impacts from environmental emissions and exhaust constituents must be considered, including cancer, cardiovascular disease, respiratory/neurologic/developmental/reproductive effects, and effects on other body systems, as well as the effects of noise, vibration and constant light.
- Streamline Ensure that all efforts have been taken to have the most efficient existing operations before undertaking capacity expansion. This includes ensuring that all possible steps have been taken to create on-dock rail before proposing near-dock rail, that steps have been taken to create more streamlined means of identifying containers that are destined for out-of-state locations to minimize transportation needs before building additional distribution centers, that all steps have been taken to streamline operations before proposing new or expanded freeways, etc.
- Initially evaluate infrastructure and public health/environmental/community improvement mitigation projects on their merits without regard to funding sources. One of the merits should be strong community support for the particular project.
- Advance projects with highest rates of return – both in terms of investment and public health and environmental improvement. Because resources are always limited, ranking projects on a statewide basis relative to their contribution to performance improvement of the entire statewide goods movement system helps achieve faster improvements. Of equal importance, projects should be ranked in their potential to improve public health, environment, and the community. Projects that have a high rate of return on both community benefits and in improving the goods movement system are the projects that should be the focus of investment. Infrastructure projects must be evaluated to ensure that they do not create significant harm to public health, the community or the environment and favor those projects that cause less harm. Those that are judged to create significant future harm regionally or locally (due to communities being in close proximity to goods movement activities) must be rejected or revised to protect public health.
- Recognize project benefits within, between, and among goods movement corridors that are otherwise ignored or undervalued. When project merits are evaluated by traditional metrics, the value a project may have to the State at large may not be captured. Primary examples include goods movement projects that can open bottlenecks and increase throughput for an entire transportation corridor or projects that relieve congestion and reduce emissions. Properly identifying benefits helps prioritize projects and secure funding for the projects that can do the most good.

*We do not agree that relieving congestion in the short term necessarily leads to long term reductions in air emissions. In addition, changing the speed of vehicles does not always result in a decrease of all pollutants.*

- Fully investigate and identify significant public health, environmental and community impacts, provide needed resources and implement strategies to help mitigate those impacts. Peer reviewed science should be used in this process of identifying health and environmental impacts. Air quality, public health and community impact mitigation must be fully integrated into future goods movement system improvements. In addition, we must significantly reduce existing impacts and health risks at existing goods movement facilities (at ports, at railyards and along rail lines, in communities adjacent to high truck volume freeways, and at distribution centers) on a priority basis. Significant investment in emission reduction strategies such as fleet modernization, the use of cleaner fuels, and adoption of cleaner emission control technologies, as well as consideration of innovative technologies that do not operate on fossil fuels, is necessary in order for California to accommodate the expected growth in goods movement and continue progress in protecting the environment.
- Implement community mitigation on existing goods movement facilities on a priority basis (i.e., address the most impacted communities first), keeping in mind the priority and requirement to provide environmental justice for all California residents.
- Secure statewide consensus on projects when pursuing federal support. A major factor that causes California to get less than its "fair share" of federal funding is intrastate jockeying for limited federal dollars. Presenting a unified, statewide slate of projects (as most other states do) helps increase the likelihood for the State to receive its fair share allocation. Nonetheless, full community participation in the process, and which is reflected in the final outcome, is of utmost importance.
- **DELETE THE FOLLOWING PRINCIPLE:** Instill a sense of urgency to accelerate project delivery and environmental protection. By their nature, infrastructure projects are long lead-time endeavors that face many obstacles until they are placed into service. Relating the importance of goods movement projects and environmental improvement to the State's economic well-being will help keep projects on schedule and provide motivation for aggressive action to relieve local communities from unfavorable goods movement-related impacts.

*We strongly object to the above principle. Rushing such a complex process of planning for California's future is not compatible with successful implementation of the plan.*

- Consider land use implications in goods movement decisions. Adopt the ARB land use guidelines as part of the Goods Movement Action Plan Phase II. The ARB land use guidelines should be a model for future regulations and law around land use.
- Spur private sector investment and public-private partnerships to leverage public investment. The goods movement system is a complex supply chain of activities and facilities under private, public, and mixed public-private ownership. Gaining consensus on a statewide basis for the major elements necessary to build out the State's goods movement system helps provide the confidence needed by the private sector to determine how best to make private and public-private investments that add value to the system.
- Provide a higher-level forum to engage cooperation outside state jurisdiction. California's goods movement system requires cooperation and support from stakeholders who are not subject to California control. These include adjacent states, the federal government, and foreign carriers. In addition, other stakeholders that operate in the State but have national or global operations (including retailers, railroads, and logistics companies) are critical participants in the process. Operating at the State level with these stakeholders improves the State's overall position as compared to merely allowing each region and locality to vie for attention separately.
- **DELETE THE FOLLOWING PRINCIPLE:** Create awareness for relevance of the goods movement industry to Californians. Just as the goods movement industry is a critical element of the State's economy, having the support and confidence of the people of California is critical to expanding the infrastructure and mitigating the impacts of the industry's operation. The State can play an important role in the education process and can reinforce the efforts of local and regional entities to communicate the needs and benefits of improving the goods movement infrastructure to the public.

*We strongly object to the above principle. As we have raised on numerous occasions, the state has not yet quantified or considered the costs to the people of California of expanding the goods movement system in terms of human health and quality of life. In a recent study, Jon Haveman of the Public Policy Institute of California questions whether our status as a distribution center for the country results in greater harm than good to the state. It is premature, to say the least, for the Administration to "educate" the public on the benefits of goods movement expansion when it has not done the homework to determine whether unlimited expansion is, in fact, beneficial.*

- Seek opportunities to promote synergies with other statewide policy initiatives. Active consideration of goods movement issues with statewide initiatives in areas such as housing, health services, land use, agriculture, international trade, economic development, military base re-use, and energy resources promotes good public policy. Most of all, achieving the Administration's purpose will require flexibility,

Cindy Tuck  
California Environmental Protection Agency  
November 10, 2005

perseverance, and commitment. The Administration also needs to ensure that promotion of goods movement infrastructure will not cause harm in other sectors of state government. For example, if goods movement as an economic strategy for employment results in thousands more workers employed in distribution centers, wholesale trade, or big box retailers where they are less likely to receive health benefits than with other types of employers, this strategy could negatively affect the state's budget.

- **ADD NEW PRINCIPLE:** Seek opportunities to promote synergies with international policy in considering international economic justice and environmental justice issues as well as international human rights and environmental issues (such as climate change) in developing goods movement strategies.
- **ADD NEW PRINCIPLE:** Involve the California Department of Health Services (DHS) and other public health officials in the goods movement issue. Involve County Public Health Officers in the impacted goods movement communities so that they can play a role in measuring or evaluating health impacts or health improvements on an ongoing basis in concert with CalEPA.

Thank you for your consideration of these comments.

Sincerely,

Julie Masters  
Senior Attorney  
Natural Resources Defense Council

Todd R. Campbell  
Policy and Science Director  
Coalition for Clean Air

Carolina Simunovic  
Fresno Metropolitan Ministry

Andrea M. Hricko  
Director, Community Outreach and Education Program  
So. California Environmental Health Sciences Center  
Keck School of Medicine, USC

Meena Palaniappan  
Program Director  
Pacific Institute

Alternative to Meena Palaniappan:  
Margaret Gordon  
West Oakland Environmental Indicators Project

Jerilyn Lopez Mendoza  
Policy Director  
Environmental Justice Project Office  
Environmental Defense